

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 1102(S/S)2007

Mukesh Naithani S/o late Sri P.N. Naithani,
Veterinary Pharmacist, Veterinary Hospital,
Rishikesh, District Dehradun. -----Petitioner.

Vs.

1. State of Uttarakhand through its Secretary,
Animal Husbandry Department, Garhwal Mandal
Pauri, District Pauri Garhwal,
2. Addl. Director, Animal Husbandry Department,
(Uttarakhand) Gopeshwar, District Chamoli,
Camp at Pashulok, Dehradun,
3. Deputy Director, Animal Husbandry Department,
Garhwal Mandal Pauri, District Pauri Garhwal,
4. Chief Veterinary Officer, Dehradun, District Dehradun,
5. Veterinary Officer, Veterinary Hospital Rishikesh,
Dehradun, District Dehradun,
6. Mahesh Ramola, Veterinary Pharmacist,
Veterinary Hospital, Bahadrabad,
District Haridwar. -----Respondents.

Sri Rakesh Thapliyal, learned Counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondent nos. 1 to 5,
And Sri B.P. Nautiyal, learned counsel for respondent no. 6.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rakesh Thapliyal, learned Counsel for the petitioner, Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondent nos. 1 to 5 and Sri B.P. Nautiyal, learned counsel for respondent no. 6.

The petitioner has preferred the instant writ petition challenging the impugned transfer order dated 03.08.2007 (annexure no. 2 to the writ petition) passed by Deputy Director Animal Husbandry Department, Garhwal Mandal Pauri/respondent no.3, by which, the petitioner who is working as

Veterinary Pharmacist at Veterinary Hospital, Rishikesh has been transferred to Veterinary Hospital Shyampur, District Dehradun in Public interest.

The petitioner has challenged the impugned transfer order on the ground that the said transfer order does not fall under the category of public interest transfer as the respondents have passed the said order to give undue advantages to respondent no. 6 who has been transferred on his own requests. Further the impugned order is passed in violation of Govt. Orders, which provides that if wife and husband are the government servant, if possible, they should be placed at one place. It is contended that petitioner's wife is also in Govt. job at Kaudiyala. Apart from this, children of the petitioner are studying respectively in Class VIII, VII and II in Rishikesh and, in case, the impugned transfer order, which has been made in mid academic session, is given effect to, the same will cause great irreparable loss to their children.

So far the assertions, which have been made by the petitioner in the instant petition is concerned, in absence of pleadings of other parties in rebuttal, no observation can be made at this stage. However, the petitioner may prefer representation raising all his grievances before the Authority concerned.

Therefore, without entering in to the merits of the case, I direct the petitioner to move representation before Deputy Director Animal Husbandry Department, Garhwal Mandal Pauri/ respondent no. 3 raising all his grievances, within a period of one week from today. In case, the petitioner complies with the orders of this Court, the Deputy Director Animal

Husbandry Department, Garhwal Mandal Pauri/ respondent no. 3 is directed to take decision on the representation of the petitioner in accordance with the transfer policy as well as in accordance with law and pass appropriate orders on the issues raised by the petitioner in his representation, within a period of one week from the date of production of a certified copy of this order alongwith the representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 20, 2007:

NCM: